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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,375	01/23/2004	Sergey N. Razumov	59036-040	4460

7590 04/30/2007
MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

SHAH, AMEE A

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,375	RAZUMOV, SERGEY N.	
	Examiner	Art Unit	
	Amee A. Shah	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 29-43 are pending in this action.

Response to Amendment

Applicant's amendment, filed February 15, 2007, has been entered. Claims 1-28 have been cancelled. Claims 29-43 have been added.

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29-43 are rejected under 35 U.S.C. §102(e) as being anticipated by Sturr, Jr., US 2004/0143512 A1 (hereafter referred to as “Sturr”).

Referring to claim 29. Sturr discloses a system for enabling a customer to order a required product (*see, e.g.*, Abstract), comprising:

- a voice recognition mechanism for recognizing voice commands from the customer (Figs. 1-13 and ¶¶0025 and 0027), and
- a display mechanism responsive to the recognized voice commands for displaying images assisting the customer in ordering the product during a product ordering session (Figs. 1-13 and ¶¶0025 and 0027 – note the display mechanism touch screen monitor is responsive to voice commands through voice recognition and response systems and displays images such as a menu in the form of a wheel with spokes to assist the customer in ordering the product),
- the display mechanism being configured for displaying a first screen representing a first phase of the product ordering session and a second screen representing a second phase of the product ordering session (Figs. 1-13 and ¶¶0027 and 0031-0033 – note the first screen can be Fig. 1 and the second can be Fig. 2), and
- the voice recognition mechanism being configured to establish a first set of voice commands recognizable when the first screen is displayed, and a second set of voice commands recognizable when the second screen is displayed (Figs. 1-13 and ¶¶0027 and 0031-0033 – note the commands are the various options noted on each screen, e.g. in Fig. 4, the commands include “back to burger combinations,” “no cheese,” “burger,” etc., and in Fig. 5, the commands include “back to combinations,” “orange,” “iced tea,” etc.).

Referring to claim 30. Sturr further discloses the system of claim 29, wherein the first set of voice commands differs from the second set of voice commands (Figs. 1-13 and ¶¶0027 and 0031-0033).

Referring to claim 31. Sturr further discloses the system of claim 29 wherein the voice recognition mechanism is configured to recognize only voice commands of the first set when the first screen is displayed and to recognize only voice commands of the second set when the second screen is displayed (Figs. 1-13 and ¶¶0025 and 0027). Sturr discloses a set of hierarchically structured web pages, each being unique in that a user can only select options presented on each page and not from other pages, and further discloses that instead of the customer touching the screen to make a selection from the options presented, the voice recognition mechanisms can be used so that only voice commands of the options uniquely presented on the first set are recognized and only voice commands of the options uniquely represented on the second set are recognized.

Referring to claim 32. Sturr further discloses the system of claim 29 wherein the display mechanism is configured to display a first set of images corresponding to a first set of voice commands when the first screen is displayed, and to display a second set of images corresponding to the second set of voice commands when the second screen is displayed (Figs. 1-13 and ¶¶0027 and 0031-0033 - note the commands available are the various options noted by images on each screen, e.g. in Fig. 4, the commands include “back to burger combinations,” “no

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cheese,” “burger,” etc., and in Fig. 5, the commands include “back to combinations,” “orange,” “iced tea,” etc. and that these commands correspond to each unique set of voice commands).

Referring to claim 33. Sturr further discloses the system of claim 32 wherein the display mechanism is configured to perform a predetermined operation in response to a voice command recognized by the voice mechanism, and to perform the same predetermined operation in response to selection of a displayed image corresponding to the recognized voice command (Figs. 1-13 and ¶0027 – note that the predetermined operations include presenting different menus in response to the selection made).

Referring to claim 34. Sturr further discloses the system of claim 29 wherein the display mechanism is responsive to a recognized voice command to replace the first screen with the second screen, where the first and second screens represent non-consecutive phases of the product ordering session (Figs. 1-13 and ¶0027 – note the user can return to the main page, i.e. a second screen, which is non-consecutive to the ordering page, by returning to the main page or by canceling the order).

Referring to claim 35. Sturr further discloses the system of claim 29 wherein the voice recognition mechanism and the display mechanism are elements of a product ordering terminal in a retail facility (¶¶0004 and 0006 – note the terminal is a kiosk which can be in such retail facilities as fast food places, coffee houses, theme parks, malls, stadiums, universities and colleges).

Referring to claims 36-43. All of the limitations in system and method claims 36-43 are closely parallel to the limitations of system claims 29-35, analyzed above, and are rejected on the same bases.

Response to Arguments

Applicant's arguments filed February 15, 2007, have been fully considered but they are not persuasive. In response to applicant's argument that the Sturr reference suggests using voice recognition instead of displaying touchable objects which applicant's invention requires establishing voice commands in addition to displaying touchable objects (Remarks, pages 7-8), the Examiner disagrees. First, Sturr does not suggest using voice recognition instead of displaying touchable objects does not suggest that voice recognition excludes displaying touchable objects. For example, in ¶0025, Sturr states that the interfaces display information and input could be provided via touch screen, "however, other means for entering information may *also* be used, including keyboards, touch panels, ... microphones and voice recognition and response systems..." [emphasis added]. Second, it is noted that the features upon which applicant relies (i.e., voice recognition in addition to displaying touchable objects) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims refer to images that assist the customer in ordering; there is no limitation that these images be touchable objects.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

April 23, 2007



YOGESH C. GARG
PRIMARY EXAMINER
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